

REMARKS

Claims 1-16 and 18-20 remain pending in this application. In response to the continued objection to the title of the invention, the Examiner's attention is directed to page 2 of the Amendment filed December 8, 2005 wherein the title of the invention was amended. Withdrawal of this ground of objection and further reconsideration of this application is requested.

Anticipation Rejection

The prior rejection of claims 1-4, 6, 7 and 12-20 under 35 U.S.C. § 102(e) as being anticipated by Cherry et al., US Patent No. 6,552,348 has been withdrawn, and now claims 1-5, 13, 15, 16 and 19 stand rejected as being anticipated by Uchida et al, US Patent No. 5,091,650 ("Uchida"), under 35 U.S.C. § 102(b). This new ground of rejection is respectfully traversed.

Claim 1 is directed to a detector array having a plurality of MxN arrays of scintillator elements, a mechanism for maintaining a relative position of each scintillator element in each of the arrays, a plurality of photodetectors, and a single continuous light guide disposed between the scintillator element arrays and the photodetectors.

Uchida fails to disclose a plurality of arrays of scintillator elements disposed on a single continuous light guide, or a mechanism for maintaining a relative position of each scintillator element in each of the arrays. The Office action accurately describes Uchida as disclosing in Fig. 3 a single array of scintillators 1₁₁ - 1₄₄. However, the detector array clearly does not comprise a plurality of MxN arrays as claimed. As disclosed by Uchida, "[t]he radiation detector as shown in Fig. 3 includes a scintillator array comprising plural scintillators." Col. 2, lines 67-68. A light guide 5 is sandwiched between the array and photomultiplier tubes. Col. 3, lines 2-4. In contrast, according to the present invention as disclosed and claimed, a single continuous light guide 24 is used to support a plurality of scintillator arrays 12, as shown in Figs. 1, 2 and 4 of the application.

An array is further defined by the claimed mechanism for maintaining relative position of each scintillator element with respect to each other in each of the plurality of arrays, as disclosed by scintillator element retainer mechanisms 18 shown in Figs. 1, 2

and 4. As such, it is clear that the single scintillator array shown by Uchida would not be construed by those having skill in the art as comprising a plurality of arrays as claimed.

Additionally, the Office action has failed to make a *prima facie* showing of anticipation with respect to the claimed scintillator element position maintaining mechanism. The Office action acknowledges the absence of any such disclosure in Uchida by improperly alleging that such a mechanism “is inherently included” in Uchida. However, to establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. In re Robertson, 169 F.3d 743, 49 USPQ2d 1949 (Fed. Cir. 1999). Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. Id. (quoting In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981)).

Here, the Office action has introduced no extrinsic evidence that would establish that a “position maintaining mechanism,” as properly construed in light of the specification, is necessarily present in the Uchida array, or that it would be so recognized by those skilled in the art. Consequently, no *prima facie* showing of anticipation has been made.

In addition to the position maintaining mechanism as set forth in claim 1, independent claim 15 is directed to a detector array with an air gap defined between adjacent scintillator elements of an MxN array. Uchida fails to disclose such a detector array. The Office action improperly cites to col. 5, lines 15-25 of Uchida as disclosing the use of an air gap. The cited passage however relates to the model of Fig. 4(C) for use with detector embodiments as shown in Figs. 5-7, while the Office action relies on the “conventional” detector shown in Fig. 3 for the other limitations of the claim. This is improper as anticipation requires that all of the elements of the claimed invention be identically shown in a single prior art reference and arranged as in the claim under review. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The remaining limitations of the dependent claims also are not disclosed by Uchida, and in any event, the dependent claims are not anticipated for at least the same reasons stated above with respect to independent claims 1 and 15.

Obviousness Rejections

The obviousness rejections of claims 6, 7, 12, 14, 18 and 20, and claims 8-11 are also respectfully traversed. Ryuo et al., U.S. Patent No. 5,227,634, cited as disclosing the use of reflective films, does not disclose the limitations missing from Uchida with respect to the invention set forth in claims 1 and 15 and therefore no combination of Uchida with Ryuo et al. could result in the invention as set forth in these claims. Cherry et al. (of record), relied upon for disclosing a grid array, similarly fails to cure the deficiencies of Uchida or Ryuo with respect to the independent claims. Additionally, the Office action has failed to show that it would have been obvious to one of ordinary skill in the art to have modified Uchida as proposed. There must be identified some teaching, suggestion or motivation in the prior art for making such a modification, which has not been shown by the Office action. Accordingly these grounds of rejection are deficient and should be withdrawn.

Conclusion

In view of the foregoing, claims 1-16 and 18-20 are submitted to define subject matter that is patentable over the prior art of record. Favorable reconsideration of this application and the issuance of a Notice of Allowance are requested.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

RESPECTFULLY SUBMITTED,					
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